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No. 134

Senate

INTELLIGENCE AUTHORIZATION ACT

Mr. BAKER. Mr. President, I now ask the Chair lay before the Senate Calendar Order No. 1084.

The PRESIDING OFFICER. The bill will be stated by title.

The bill clerk read as follows:

A bill (S. 2713) to authorize appropriations for the fiscal year 1985 for intelligence activities of the United States Government, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations, with an amendment.

Mr. BAKER. Mr. President, at the request of the committee, I ask that the Foreign Relations Committee amendment be withdrawn.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

AMENDMENT NO. 7103

Mr. BAKER. Mr. President, I send to the desk an amendment in the nature of a substitute on behalf of Senators CHAFFEE and GOLDWATER and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Tennessee (Mr. BAKER), for Mr. CHAFFEE and Mr. GOLDWATER, proposes an amendment numbered 7103.

Mr. BAKER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. MOYNIHAN. Mr. President, reserving the right to object—and without objecting—I ask if a copy of that amendment will be available.

Mr. BAKER. Mr. President, I am happy to do so. According to the notations I have, the procedure we are following has been cleared by the Foreign Relations Committee, but I will ask the staff to deliver a copy of the statements of Senator GOLDWATER and Senator CHAFFEE to the distinguished Senator from New York, and in the meantime I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, the Senator from Arizona, the chairman of the committee, is necessarily absent, and I have the watch, if you will.

I was concerned that there was going to be change in the language of the authorization bill. There is no such change contemplated by the majority leader's amendment, and I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause, and insert in lieu thereof the following:

That this Act may be cited as the "Intelligence Authorization Act for fiscal year 1985".

TITLE I—INTELLIGENCE ACTIVITIES

AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Funds are hereby authorized to be appropriated for fiscal year 1985 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

- (1) The Central Intelligence Agency.
- (2) The Department of Defense.
- (3) The Defense Intelligence Agency.
- (4) The National Security Agency.
- (5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (6) The Department of State.
- (7) The Department of the Treasury.
- (8) The Department of Energy.
- (9) The Federal Bureau of Investigation.
- (10) The Drug Enforcement Administration.

CLASSIFIED SCHEDULE OF AUTHORIZATIONS

Sec. 102. The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1985, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared by the Select Committee on Intelligence of the Senate, as amended by agreement of the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate. That Amended Schedule of Authorizations, dated October 4, 1984, signed by the Chairman and Vice Chairman of the Select Committee on Intelligence of the Senate and the Chairman and Ranking Minority Member of the Permanent Select Committee on Intelligence of the House of Representatives, and on file at the offices of those committees, shall be made available to the Committees on Appropriations of the Senate and the House of Representatives, and to the President. The President shall provide for suitable distribution of the amended schedule, or of appropriate portions of the amended schedule, within the executive branch.

CONGRESSIONAL NOTIFICATION OF EXPENDITURES IN EXCESS OF PROGRAM AUTHORIZATIONS

Sec. 103. During fiscal year 1985, funds may not be made available for any intelligence or intelligence-related activity unless such funds have been specifically authorized for such activity or, in the case of funds appropriated for a different activity, unless the Director of Central Intelligence or the Secretary of Defense has notified the appropriate committees of Congress of the intent to make such funds available for such activity, except that, in no case may reprogramming or transfer authority be used by the Director of Central Intelligence or the Secretary of Defense unless for higher priority intelligence or intelligence-related activities, based on unforeseen requirements, than those for which funds were originally authorized, and in no case where the intelligence requested has been denied by Congress.

AUTHORIZATION OF APPROPRIATIONS FOR DESIGN AND CONSTRUCTION OF AN ADDITIONAL BUILDING AT THE CENTRAL INTELLIGENCE AGENCY HEADQUARTERS COMPOUND

Sec. 104. Of the amounts authorized to be appropriated under section 101(1), there is authorized to be appropriated for fiscal year 1985 the sum of \$104,500,000 for the design and construction of a new building at the Central Intelligence Agency headquarters compound.

AUTHORIZATION OF APPROPRIATIONS FOR COUNTERTERRORISM ACTIVITIES OF THE FEDERAL BUREAU OF INVESTIGATION

Sec. 105. In addition to the amounts authorized to be appropriated under section 101(9), there is authorized to be appropriated for fiscal year 1985 the sum of \$14,500,000 for the conduct of the activities

of the Federal Bureau of Investigation to counter terrorism in the United States.

PERSONNEL CEILING ADJUSTMENTS

Sec. 106. The Director of Central Intelligence may authorize employment of civilian personnel in excess of the numbers authorized for the fiscal year 1985 under sections 102 and 202 of this Act when he determines that such action is necessary to the performance of important intelligence functions, except that such number may not, for any element of the Intelligence Community, exceed 2 per centum of the number of civilian personnel authorized under such sections for such element. The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

TITLE II—INTELLIGENCE COMMUNITY STAFF

AUTHORIZATION OF APPROPRIATIONS

Sec. 201. There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1985 the sum of \$20,800,000.

AUTHORIZATION OF PERSONNEL END STRENGTH

Sec. 202. (a) The Intelligence Community Staff is authorized two hundred and thirty-two full-time personnel as of September 30, 1985. Such personnel of the Intelligence Community Staff may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(b) During fiscal year 1985, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

(c) During fiscal year 1985, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN SAME MANNER AS CENTRAL INTELLIGENCE AGENCY

Sec. 203. During fiscal year 1985, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a-403n) in the same manner as activities and personnel of the Central Intelligence Agency.

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

AUTHORIZATION OF APPROPRIATIONS

Sec. 301. There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1985 the sum of \$99,300,000.

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM RULES AND REGULATIONS

Sec. 302. Section 201(a) for Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by striking "to become effective after approval by the chairman and ranking minority members of the Armed Services Committees of the House and Senate," and inserting in lieu thereof "to be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate before they take effect."

TITLE IV—ADMINISTRATIVE PROVISION RELATING TO THE CENTRAL INTELLIGENCE AGENCY

PHYSICAL SECURITY OF CENTRAL INTELLIGENCE AGENCY FACILITIES

Sec. 401. The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end thereof the following new section:

"SECURITY PERSONNEL AT AGENCY INSTALLATIONS

"Sec. 15. (a) The Director may authorize Agency personnel within the United States to perform the same functions as special policemen of the General Services Administration perform under the first section of the Act entitled 'An Act to authorize the Federal Works Administrator or officials of the Federal Works Agency duly authorized by him to appoint special policemen for duty upon Federal property under the jurisdiction of the Federal Works Agency, and for other purposes' (40 U.S.C. 318), with the powers set forth in that section, except that such personnel shall perform such functions and exercise such powers only within Agency installations, and the rules and regulations enforced by such personnel shall be rules and regulations promulgated by the Director.

"(b) The Director is authorized to establish penalties for violations of the rules or regulations promulgated by the Director under subsection (a) of this section. Such penalties shall not exceed those specified in the fourth section of the Act referred to in subsection (a) of this section (40 U.S.C. 318c).

"(c) Agency personnel designated by the Director under subsection (a) of this section shall be clearly identifiable as United States Government security personnel while engaged in the performance of the functions to which subsection (a) of this section refers."

TITLE V—DEFENSE INTELLIGENCE AGENCY PERSONNEL MANAGEMENT IMPROVEMENTS

CIVILIAN PERSONNEL MANAGEMENT

Sec. 501. (a) Chapter 83 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1604. Civilian personnel management

"(a) The Secretary of Defense may, without regard to the provisions of any other law relating to the number, classification, or compensation of employees—

"(1) establish such positions for civilian officers and employees in the Defense Intelligence Agency as may be necessary to carry out the functions of such Agency;

"(2) appoint individuals to such positions; and

"(3) fix the compensation of such individuals for service in such positions.

"(b) The Secretary of Defense shall, subject to subsection (c), fix the rates of basic pay for positions established under subsection (a) in relation to the rates of basic pay provided in the General Schedule under section 5332 of title 5 for positions subject to such Schedule which have corresponding levels of duties and responsibilities. Except in the case of an officer or employee of the Defense Intelligence Agency serving as a member of the Defense Intelligence Senior Executive Service, no officer or employee of the Defense Intelligence Agency may be paid basic compensation at a rate in excess of the highest rate of basic pay contained in such General Schedule.

"(c) The Secretary of Defense is authorized, consistent with section 5341 of title 5, to adopt such provisions of such title as provide for prevailing rate systems of basic pay and to apply such provisions to positions in or under which the Defense Intelligence Agency may employ individuals described by section 5342(a)(2)(A) of such title.

"(d) In addition to the basic compensation payable under subsection (b), officers and employees of the Defense Intelligence Agency who are citizens or nationals of the United States and who are stationed outside the continental United States or in Alaska may be paid compensation, in accordance with regulations prescribed by the Secretary of Defense, not in excess of an allowance authorized to be paid by section 5941(a) of title 5 for employees whose rates of basic pay are fixed by statute. Such allowances shall be based on—

"(1) living costs substantially higher than in the District of Columbia;

"(2) conditions of environment which differ substantially from conditions of environment in the continental United States and warrant an allowance as a recruitment incentive; or

"(3) both of the factors described in paragraphs (1) and (2).

"(e)(1) Notwithstanding any other provision of law, the Secretary of Defense may, during fiscal years 1985 and 1986, terminate the employment of any civilian officer or

employee of the Defense Intelligence Agency whenever he considers that action to be in the interests of the United States and he determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such officer or employee cannot be invoked in a manner consistent with the national security. The decisions of the Secretary under this paragraph are final and may not be appealed or reviewed outside the Department of Defense. The Secretary of Defense shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever this termination authority is exercised.

"(2) Any termination of employment under this subsection shall not affect the right of the officer or employee involved to seek or accept employment with any other department or agency of the United States if he is declared eligible for such employment by the Director of the Office of Personnel Management.

"(3) The Secretary of Defense may delegate authority under this subsection only to the Deputy Secretary of Defense or the Director of the Defense Intelligence Agency or both. An action to terminate any civilian officer or employee by either such officer shall be appealable to the Secretary of Defense."

"(b) The table of sections at the beginning of chapter 83 of title 10, United States Code, is amended by adding after the item relating to section 1603 the following new item: "1604. Civilian personnel management."

TECHNICAL AND CONFORMING AMENDMENTS

Sec. 502. (a) Section 5102(a)(1) of title 5, United States Code, is amended—

(1) by striking out "or" at the end of clause (viii);

(2) by inserting "or" at the end of clause (ix); and

(3) by inserting after clause (ix) the following new clause:

"(x) the Defense Intelligence Agency, Department of Defense;"

(b) Section 5342(a)(1) of such title is amended—

(1) by striking out "or" at the end of subparagraph (I);

(2) by inserting "or" at the end of subparagraph (J); and

(3) by inserting after subparagraph (J) the following new subparagraph:

"(K) the Defense Intelligence Agency, Department of Defense;"

TITLE VI—COUNTERINTELLIGENCE AND OFFICIAL REPRESENTATION POLICY TOWARD CERTAIN AGENTS OF FOREIGN GOVERNMENTS

Sec. 601. (a) It is the sense of the Congress that the numbers, status, privileges and immunities, travel, accommodations, and facilities within the United States of official representatives to the United States of any foreign government that engages in intelligence activities within the United States harmful to the national security of the United States should not exceed the respective numbers, status, privileges and immunities, travel accommodations, and facilities within such country of official representatives of the United States to such country.

(b) Beginning one year after the date of enactment of this section, and at intervals of one year thereafter, the President shall prepare and transmit to the Committee on Foreign Relations and Select Committee on Intelligence of the Senate and the Committee on Foreign Affairs and Permanent Select Committee on Intelligence of the House of Representatives a report on the numbers, status, privileges and immunities, travel, accommodations, and facilities within the United States of official representatives to the United States of any foreign government that engages in intelligence activities within the United States harmful to the national security of the United States and the respective numbers, status, privileges and immunities, travel, accommodations, and facilities within such country of official representatives of the United States to such country, and any action which may have been taken with respect thereto.

(c) Section 203 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4303) is amended—

(1) in subsection (a) by striking out the fifth sentence; and

(2) by amending subsection (b) to read as follows:

"(b) There shall also be a Deputy Director of the Office of Foreign Missions. Either the Director or the Deputy Director of such Office shall be an individual who has served in the United States Foreign Service, while the other of the two shall be an individual who has served in the United States Intelligence Community."

(d) The amendments made by subsection (c) shall apply only with respect to any appointment of a Director or Deputy Director

of the Office of Foreign Missions, as the case may be, after the date of enactment of this section.

TITLE VII—GENERAL PROVISIONS

AUTHORITY FOR THE CONDUCT OF INTELLIGENCE ACTIVITIES

Sec. 701. The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

INCREASES IN EMPLOYEE BENEFITS AUTHORIZED BY LAW

Sec. 702. Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such benefits authorized by law.

TITLE VIII—ACTIVITIES IN NICARAGUA

MILITARY OR PARAMILITARY ACTIVITIES

Sec. 801. No funds authorized to be appropriated by this Act or by the Intelligence Authorization Act for fiscal year 1984 (Public Law 98-215) may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual, except to the extent provided and under the terms and conditions specified by House Joint Resolution 648, making continuing appropriations for the fiscal year 1985, and for other purposes, as enacted.

Mr. GOLDWATER. Mr. President, Today marks the eighth time in as many years that a separate budget authorization bill has been introduced for the American Intelligence family. This budget authorization process is now standard procedure and represents clear evidence that our constitutional responsibilities can be fulfilled while, at the same time, maintaining that element of confidentiality necessary for an effective intelligence system.

Mr. President, no other Nation in the world does what we have been doing now for the past 8 years. No other Nation in the world allows its legislative branch to oversee, in detail, and to authorize the budget for its intelligence community. I believe that this is the best system there is to provide accountability for the intelligence activities of our Government. I also believe that it is a work well to insure that we have a strong and effective intelligence community which, at the same time, is held accountable to the American people through its elected representatives.

Earlier this year, the Budget Subcommittee of the Senate Select Committee on Intelligence held numerous closed hearings. The staff has engaged in hundreds of hours of interviews and briefings in order to pull together the bill which have before us today. We have examined in detail the budgets of the Central Intelligence Agency, the National Security Agency, the intelligence activities of the Departments of Defense, State, and Treasury, and of the Federal Bureau of Investigation.

In addition, the full committee met on numerous occasions to draft and refine this budget authorization bill. In particular, we devoted a tremendous amount of time and attention to the administration's covert action requests and activities. So I want to reaffirm to my colleagues the seriousness with which we assume our responsibilities for authorizing these activities. Also, I would like to reiterate to all Members of this body the documentary materials in the possession of the committee are available for their review. If Members have a question about what we are doing or what we have done, let us know, and we will be glad to share these materials with you under the provisions of Senate Resolution 400.

Mr. President, I would like to take this opportunity to thank my colleagues for their hard work and effort in preparing this legislation. In particular, I would like to thank Senators WALLON and INOYE, the chairman and vice chairman of our Budget Subcommittee respectively, for their hard work in this area. These two gentle-

men and their colleagues on the Budget Subcommittee are responsible for much of the work, and they are to be commended for it. Also, I would like to thank the staff of the Senate Intelligence Committee and to acknowledge the fine work they have done in preparing and presenting this bill. In particular, I would like to draw attention to the contribution of Mr. Keith Hall, the Committee Budget Officer, and Charlene Packard of the Budget support staff, who have served us ably and in a bipartisan fashion over the past year.

Mr. President, the Intelligence Authorization Act for fiscal year 1985 is an important piece of legislation. Its provisions are the result of a bipartisan debate and consensus. I urge my colleagues to support it.

I ask unanimous consent to have material in connection with matter printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

EXPLANATION OF THE INTELLIGENCE COMMITTEE AMENDMENT TO S. 2713, THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1985

In this explanation, the term "House bill" refers to H.R. 5399 as passed by the House of Representatives; the term "Senate committee bill" refers to S. 2713 as reported from committees of the Senate and placed on the calendar, and the term "Senate-House compromise bill" refers to the Senate Intelligence Committee amendment to S. 2713.

SHORT TITLE

Both the House bill and the Senate committee bill entitled the legislation the "Intelligence Authorization Act for Fiscal Year 1985" and thus the Senate-House compromise bill retains this short title.

AUTHORIZATION OF APPROPRIATIONS

Section 101 of the House bill and section 101(a) of the Senate committee bill were identical, except for the House use of the term "intelligence-related activities" and the line item reference in section 101(10) of the House bill to the Drug Enforcement Administration. The Senate-House compromise bill retains Section 101 of the House bill.

CLASSIFIED SCHEDULE OF AUTHORIZATIONS

Section 102 of the House bill established the amounts authorized to be appropriated and personnel ceilings according to a classified schedule of authorizations prepared by the House Permanent Select Committee on Intelligence.

Section 101(b) of the Senate committee bill established the amounts authorized to be appropriated and personnel ceilings according to a classified schedule of authorizations prepared by the Senate Select Committee on Intelligence.

In previous years, the Committee of Conference on the intelligence authorization acts agreed to legislation which authorized appropriations and personnel according to a classified schedule of authorizations prepared by the Committee of Conference. Because the purpose of the Senate-House compromise bill is to avoid such a conference, there will be no Committee of Conference to prepare a classified schedule of authorizations. Instead, the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence have agreed upon a schedule of authorizations accompanying the Senate-House compromise bill, and this schedule of authorizations has been denominated the classified Amended Schedule of Authorizations prepared by the Select Committee on Intelligence of the Senate. This amended schedule is dated October 4, 1984, signed by the Chairman and Vice Chairman of the Senate Select Committee on Intelligence and the Chairman and Ranking Minority Member of the House Permanent Select Committee on Intelligence, and on file at the office of those committees.

Thus, Section 102 of the Senate-House compromise bill establishes the amounts authorized to be appropriated and personnel ceilings according to the classified Amended Schedule of Authorizations prepared by the Senate Select Committee on Intelligence, which is the Senate-House agreed schedule of authorizations.

CONGRESSIONAL NOTIFICATION OF EXPENDITURES IN EXCESS OF PROGRAM AUTHORIZATIONS

Section 103 of the House bill and Section 101(c) of the Senate committee bill were substantially similar, differing only in that the House bill refers to "intelligence and intelligence-related activities" whereas the Senate committee bill refers to "intelligence activities".

The Senate-House compromise bill retains Section 103 of the House bill.

AUTHORIZATION OF APPROPRIATIONS FOR DESIGN AND CONSTRUCTION OF AN ADDITIONAL BUILDING AT THE CIA HEADQUARTERS COMPOUND

Section 104 of the House bill authorized appropriation of \$14,500,000 for a new building at the CIA headquarters compound.

Section 101(a) and (b) of the Senate committee bill had the effect of authorizing appropriations of \$94,500,000 for a new building at the CIA headquarters compound.

The Senate-House compromise bill authorizes \$104,500,000 for the new CIA headquarters building.

AUTHORIZATION OF APPROPRIATIONS FOR COUNTERTERRORISM ACTIVITIES OF THE FBI

Section 105 of the House bill authorized appropriations of \$14,500,000 for FBI domestic counterterrorism activities.

The Senate committee bill contained no similar authorization.

The Senate-House compromise bill retains Section 105 of the House bill.

PERSONNEL CEILING ADJUSTMENTS

Section 106 of the House bill and Section 101(e) of the Senate committee bill contained provisions for intelligence personnel ceiling adjustments which were identical, except for technical cross references to other sections of the bill.

The House-Senate compromise retains Section 106 of the House bill.

AUTHORIZATION OF APPROPRIATIONS FOR THE INTELLIGENCE COMMUNITY STAFF

Section 201 of the House bill authorized appropriations of \$20,300,000 for the Intelligence Community Staff.

Section 201(a) of the Senate committee bill authorized appropriations of \$21,800,000 for the Intelligence Community Staff.

Section 201 of the Senate-House compromise bill authorizes appropriations of \$20,800,000 for the Intelligence Community Staff.

AUTHORIZATIONS OF PERSONNEL END STRENGTH FOR THE INTELLIGENCE COMMUNITY STAFF

Section 202(a) of the House bill authorized a personnel ceiling of 232 full time personnel for the Intelligence Community Staff.

Section 202(b) of the Senate committee bill authorized a personnel ceiling of 211 full time personnel for the Intelligence Community Staff.

The Senate-House compromise bill retains Section 202(a) of the House bill.

The additional provisions in Section 202 of the Senate-House compromise bill consist of identical provisions contained in Sections 202(b) and (c) of the House bill and Sections 201(c) and (d) of the Senate committee bill.

INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN THE SAME MANNER AS CENTRAL INTELLIGENCE AGENCY

Section 203 of the House bill and Section 201(e) of the Senate committee bill contained identical provisions concerning administration of the Intelligence Community Staff.

Section 203 of the Senate-House compromise bill contains this provision.

AUTHORIZATION OF APPROPRIATIONS FOR CIA RETIREMENT AND DISABILITY SYSTEM

Section 301 of the House bill and Section 301 of the Senate committee bill were identical provisions authorizing appropriation of \$99,300,000 for the CIA Retirement and Disability System.

Section 301 of the Senate-House compromise bill contains this provision.

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM RULES AND REGULATIONS

Section 302 of the Senate-House compromise bill contains an amendment to the Central Intelligence Agency Retirement Act of 1964 for certain employees. The current statutory provision requiring approval of the leadership of the House and Senate Armed Services Committees for CIA regulations implementing the CIA Retirement Act of 1964 requires amendment because its legislative veto character poses a risk to the CIA retirement system and because it is a jurisdictional anomaly. The amendment made by Section 302 is intended to protect the past, present, and future rights and benefits of participants in the CIA Retirement and Disability System.

The requirement for approval of CIA Retirement Act regulations by four Members of Congress would not appear to survive the Supreme Court's decision in *Immigration and Naturalization Service v. Chadha*, 103 S. Ct. 2764 (1983). The amendment to the CIA Retirement Act made by Section 302 requires reporting of CIA regulations to the intelligence committees of the Congress prior to their effective date. This avoids the constitutional infirmity of a legislative veto/approval requirement, while ensuring

that the intelligence committees have an opportunity to review the CIA regulations and make their views known before the regulations take effect. Such reporting provisions do not raise separation-of-powers problems, *Sibbach v. Wilson*, 312 U.S. 1, 15 (1941). Precedent for requiring reporting to the intelligence committees of CIA regulations prior to their taking effect exists in Section 4(b)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403e(b)(5)), as amended by the Intelligence Authorization Act for Fiscal Year 1982, upon which the amendment to the CIA Retirement Act is based.

The CIA Retirement and Disability System (CIARDS) applies exclusively to certain classes of employees of the Central Intelligence Agency and is administered exclusively by the Central Intelligence Agency. The CIARDS thus falls squarely within the legislative jurisdiction of the Permanent Select Committee on Intelligence of the House (Rule XLVIII(2)(a)(3)) and the Select Committee on Intelligence of the Senate (S. Res. 400, 94th Cong., Sec. 3(a)(1)). The committee on armed services of neither House would have a jurisdictional interest, except due to the anomaly that Section 201(a) of the CIA Retirement Act requires approval of their Committees' leadership for CIARDS regulations. Section 201(a) of the CIA Retirement Act should have been adjusted when jurisdiction of CIA-related legislative matters vested in the intelligence committees upon their creation. The amendment corrects this anomaly.

In summary, the amendment made by Section 302 converts a possibly unconstitutional approval requirement to a reporting requirement, and substitutes the intelligence committees for the armed services committees. Because the intelligence committees engage in continuing oversight of the CIA on many matters, including personnel matters, they are properly suited to review CIA regulations implementing the CIA Retirement Act. It is expected that the CIA normally will transmit CIARDS regulation to the intelligence committees thirty days before their intended effective date.

PHYSICAL SECURITY OF CIA FACILITIES

Section 401 of the House bill and Section 402 of the Senate committee bill contained provisions granting authority for CIA personnel to perform within CIA installations the functions currently performed by GSA special policemen.

Section 401 of the Senate-House compromise bill contains a modified version of the House provision.

Section 401 adds a new section 15 to the Central Intelligence Agency Act of 1949 to provide for effective physical security of CIA installations within the United States. Currently, officers of the Federal Protective Service of the General Services Administration (GSA) provide physical security at CIA facilities. For a number of reasons, the General Services Administration has been unable to handle this function adequately. It would be preferable for the CIA to assume from GSA responsibility for the physical security of CIA installations. Section 401 grants to CIA physical security personnel powers currently exercised by GSA personnel performing that function.

Section 401 will enable the CIA to assume from the General Services Administration responsibility for physical security at CIA installations. It is expected that the CIA will grant preference in hiring for the planned CIA physical security personnel positions to qualified individuals who currently serve in Federal Protection Officer assignments at the CIA.

The CIA expects to realize significant budget savings by providing its own physical security in lieu of paying GSA to do so. It is expected that CIA physical security personnel positions will be counted within the authorized end-strengths for CIA personnel provided in the annual intelligence authorization acts.

The transfer of physical security authority and responsibility from GSA to the CIA would normally be accomplished simply by GSA delegating its authority to the CIA. The Departments of Justice, Labor, and Transportation, for example, provide their own physical security under delegations of authority from GSA. The CIA, however, is subject to a unique provision in the National Security Act of 1947 (Section 102(d)(3)) which states that the CIA may not have "police, subpoena, law-enforcement powers, and internal-security functions." That provision could be construed to prevent CIA security personnel, acting under delegated GSA authority, from detaining trespassers or even arresting terrorists attacking a CIA installation, or from issuing federal parking citations for illegally parked automobiles at CIA Headquarters. To remove any ambiguity which could arise concerning the authority of CIA to exercise the powers necessary to perform the physical security function, it is appropriate to provide a clear legislative

grant of these powers to CIA physical security personnel.

Section 401 will give CIA physical security personnel designated by the Director of Central Intelligence the same limited law enforcement powers that GSA special policemen, which is the statutory term for Federal Protection Officers, currently possess under Section 318 of title 40, United States Code. CIA physical security personnel will have those limited powers only when they are within the boundaries of installations owned, leased, occupied, or otherwise used by the CIA.

Under Section 401, the Director of Central Intelligence is authorized to issue rules and regulations with respect to CIA property and to establish penalties for their violation. Designated CIA security personnel will be responsible for enforcing such rules and regulations. It is expected that the Director of Central Intelligence will adopt regulations which are as similar as possible to those promulgated by the Administrator of General Services with respect to other federal installations, consistent with the functions and requirements of CIA installations. Section 401 specifies that the penalties established by the Director of Central Intelligence for violations of the rules of regulations promulgated with respect to CIA installations shall not exceed those specified in 40 U.S.C. 318c with respect to other federal installations.

Section 401 requires that CIA security personnel performing the physical security functions at CIA installations be clearly identifiable as United States Government security personnel. This requirement ensures that members of the public entering upon any CIA installations will have due notice of the legal authority of the designated CIA physical security personnel.

It should be emphasized that the grant of authority contained in Section 401 is not meant in any way to detract from the fundamental thrust of the proviso in section 102(d)(3) of the National Security Act of 1947 prohibiting the Agency's exercise of internal security functions. Section 401 will enable CIA guards to stop, detain, and question persons found on Agency property without reasonable explanation, and to conduct physical searches and make arrests on Agency facilities in appropriate circumstances. But the limited authority conferred by Section 401 does not extend beyond Agency facilities. For example, CIA security officers would not be empowered under section 401 to conduct physical searches of persons and property located outside of Agency premises in connection with an investigation of stolen classified documents. Nor does section 401 authorize any expansion of Agency intelligence collection activities that are governed by Executive Order 12333 and related procedures.

It is expected that the Director of Central Intelligence will submit any regulations he may adopt pursuant to section 401 to the intelligence committees at least 30 days before they are intended to become effective.

The CIA has advised that it currently plans to employ its own security guards at its Headquarters, the National Photographic Interpretation Center and two other facilities. It is expected that the Agency will give prior notice to the intelligence committees before deploying its own guards to any of its other locations.

DEFENSE INTELLIGENCE AGENCY PERSONNEL MANAGEMENT IMPROVEMENTS

Section 501 of the Senate committee bill contained new authorities relating to civilian personnel management at the Defense Intelligence Agency (DIA).

The House bill contained no corresponding provision.

Section 501 of the Senate-House compromise contains the Senate committee bill provision with modification of the special DIA personnel termination authority and elimination of the DIA exemption from disclosure laws.

Section 501 is intended to improve the management of civilian personnel within the Defense Intelligence Agency. This would be accomplished by amending chapter 83 of title 10, United States Code, to exempt DIA from civil service classification provisions, authorize compensation for DIA civilian personnel, and authorize the Secretary of Defense, during fiscal years 1985 and 1986, to terminate the employment of DIA civilian personnel when he considers such action to be in the interests of the United States and he determines that other relevant provisions of law cannot be invoked in a manner consistent with the national security.

The Defense Intelligence Agency does not have flexibility in personnel matters similar to that currently available to the CIA and NSA under applicable statutes. As a consequence, DIA has been significantly handicapped in its ability to recruit and reward outstanding analysts and other intelligence

specialists and otherwise to operate an equally effective civilian personnel system. If the benefits of "competitive analysis," a concept which both the Administration and the intelligence committees strongly support, are to be realized, it is imperative that DIA have analytical capabilities comparable to its sister agencies.

The additions to chapter 83 of title 10 contained in section 501 will enhance DIA's capabilities to attract and retain high quality personnel in competition with other intelligence agencies. Classification authority would be granted to permit establishment of compensation based on individual capabilities and to ensure timely assignment and utilization of high quality personnel to meet changing intelligence requirements. DIA also will achieve maximum utilization of authorized manpower through enhanced and simplified authority for termination of employees. The additional costs resulting from these provisions are estimated to be relatively small and will be absorbed within authorized appropriation levels. It is anticipated that such costs will be offset by efficiencies to be realized by relief from current cumbersome procedures.

Section 501 amends chapter 83 of title 10, United States Code, by adding a new section 1604 on "Civilian Personnel Management." Chapter 83 of title 10 is entitled "Defense Intelligence Agency Civilian Personnel" and contains the provisions on the Defense Intelligence Senior Executive Service and DIA merit pay system enacted as Title VII of the Intelligence Authorization Act for fiscal year 1982.

Subsections (a) through (d) of the new section 1604 would authorize the Secretary of Defense to establish a flexible personnel management system for those personnel not in the Defense Intelligence Senior Executive Service. Salaries and pay would be fixed in relation to the General Schedule and Wage Grade (prevailing rate) system. A flexible classification system would be established which would incorporate the concepts of both position classification and rank in the person. The system would be structured to permit assignment, movement, and career development without cumbersome classification and related administrative procedures. These flexibilities would permit DIA to rapidly deploy and focus its best talent to vital intelligence areas.

Subsection (a) authorizes the Secretary of Defense to establish civilian positions in the Defense Intelligence Agency and to appoint individuals to such positions, without regard to civil service requirements.

Subsection (b) authorizes the Secretary of Defense to fix pay for positions established under subsection (a) in relation to the General Schedule (GS) rates.

Subsection (c) authorizes a prevailing rate system of basic compensation for positions in or under which the Agency may employ individuals in a trade, craft, or manual labor occupation.

Subsection (d) authorizes additional compensation for employees stationed outside the continental United States or in Alaska at rates not to exceed those authorized by 5 U.S.C. 5941(a). Such allowance shall be based on living costs substantially higher than in the District of Columbia or conditions of environment which differ from those in the continental United States.

Subsection (e) of new section 1604 authorizes the Secretary of Defense, during fiscal years 1985 and 1986, to terminate employment of any civilian officer or employee of DIA whenever he considers that action to be in the interests of the United States and he determines that the procedures prescribed in other provisions of law that authorize the termination of such employment cannot be invoked in a manner consistent with the national security. Termination authority may be delegated only to the Deputy Secretary of Defense, the Director of DIA, or both. Termination action would be appealable to the Secretary of Defense whose decision would be final.

This provision is designed to facilitate, while preserving basic due process, the removal of personnel whose performance or security suitability is demonstrably unsatisfactory or unacceptable, or who are otherwise impairing the effective performance of the Defense Intelligence Agency's mission. The intelligence environment requires security suitability and unusually high standards of performance to ensure the accuracy and reliability of intelligence products. Tolerance of unsatisfactory performance or security suitability is necessarily low. The flexibility granted by this provision would relieve DIA from the external public review procedures to which preference eligible members would otherwise be entitled upon appeal to the Merit Systems Protection Board. The DIA system, however, would provide strict safeguards to assure internal appeal to the Secretary of Defense thereby ensuring equity and consistency. It is expected that the authority conferred by subsection (e) will be used with great care, and

not for routine administrative convenience. The Secretary of Defense is required to notify the intelligence committees of each instance in which the termination authority is exercised.

The Committee amendment specifies that the termination authority shall expire on September 30, 1986. This limited duration is designed to provide the Congress with an opportunity to assess the use made of the authority during a two year period in order that an informed decision can be made as to whether the authority should be made permanent.

TECHNICAL AND CONFORMING AMENDMENTS RELATING TO DIA PERSONNEL MANAGEMENT PROVISIONS

Section 502 of the Senate committee bill made technical and conforming amendments to title 5, United States Code corresponding to the changes made by the DIA personnel management provisions contained in Section 501.

Section 502 of the Senate-House compromise bill contains the same technical and conforming provisions as the Senate committee bill contained.

POLICY TOWARD CERTAIN AGENTS OF FOREIGN GOVERNMENTS

Section 601 of the Senate committee bill as reported by the Senate Select Committee on Intelligence contained a provision relating to the numbers, status and privileges of foreign diplomats in the United States whose government engages within the United States in intelligence activities harmful to U.S. national security. The section also required that either the Director or Deputy Director of the Department of State's Office of Foreign Missions have served as a Foreign Service Officer, and that the other have served in the Intelligence Community. Section 601 of the Senate committee bill as reported by the Senate Committee on Foreign Relations also contained provisions concerning these subjects.

Section 601 of the House bill contained no corresponding provision.

The Senate-House compromise retains the "sense of the Congress" provision contained in both the Select Committee on Intelligence and the Committee on Foreign Relations provisions, retains the Committee on Foreign Relations provision concerning the background of the Director and Deputy Director of the Office of Foreign Missions, and adds to those provisions a new reporting requirement.

Subsection 601 (a) expresses the sense of the Congress that the numbers, status, privileges and immunities, travel, accommodations, and facilities within the United States of official representatives to the United States of any foreign government that engages in intelligence activities within the United States harmful to the national security of the United States should be harmful to the national security of the United States should not exceed the respective numbers, etc., within such country of official U.S. representatives to such country.

The new reporting requirement contained in Subsection 601(b) of the Senate-House compromise ensures that the Congress will be informed annually concerning the numbers, status and privileges of foreign representatives in the United States whose governments engage within the United States in intelligence activities harmful to U.S. national security, and of any actions concerning that subject which may have been taken by the executive branch. The compromise language, therefore, deletes the mandatory requirement that the numbers of embassy and consular personnel from such countries not exceed the number of U.S. embassy and consular personnel in such countries. The effect of the new reporting requirement is not to require changes in these numbers, status and privileges, but to inform the Congress concerning the dynamics of this import problem.

Subsections 601(c) modifies current statutory restrictions on the appointment of the Director and Deputy Director of the Office of Foreign Missions in the State Department which has a major role in enforcing reciprocity in the treatment of foreign officials. Current law requires that future Directors must be foreign service officers. This subsection changes that requirement so that either the Director or the Deputy Director will be a foreign service officer, while the other of the two must be an individual who has served in the U.S. Intelligence community. Subsection (c) incorporates revisions made by the Foreign Relations Committee on sequential referral. Subsection (d) is a technical provision.

GENERAL PROVISIONS

Section 701 of the Senate-House compromise bill provides that the authorization of appropriations by the intelligence authorization act does not constitute authority for the conduct of an intelligence activity not otherwise authorized. The provision is identical to that contained in Section 501 of the

House bill and Section 101(d) of the Senate committee bill.

Section 702 of the Senate-House compromise provides that appropriations authorized by the intelligence authorization act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such benefits by law. The provision is identical to that contained in Section 502 of the House bill and Section 701 of the Senate committee bill.

ACTIVITIES IN NICARAGUA

Section 107 of the House bill provided that, during fiscal year 1985, no funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended for the purpose of which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual.

The Senate committee bill contained no corresponding provision. Sections 101(a) and (b) of the Senate committee bill had the effect of authorizing appropriations in a classified amount, subject to classified termination conditions, for activities which Section 107 of the House bill addresses.

Section 801 of the Senate-House compromise bill preserves the authorization of appropriations contained in the Senate committee bill, but specifies that no funds authorized to be appropriated by the Intelligence Authorization Acts for fiscal years 1984 and 1985 may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual, except to the extent provided and under the terms and conditions specified by House Joint Resolution 648, making continuing appropriations for the fiscal year 1985, and for other purposes, as enacted.

Mr. CHAFFE, Mr. President, it is my privilege this year to bring to the floor the intelligence authorization bill, which authorizes appropriations for U.S. intelligence activities for fiscal year 1985.

Mr. President, because of the delay that we have experienced in getting the intelligence authorization bill to the floor this year, and the very brief time remaining before final adjournment of the 98th Congress, the Intelligence Committee has worked with its counterpart in the House of Representatives in an effort to ensure that the fiscal year 1985 intelligence authorization bill becomes law. This is important because the bill contains several meritorious legislative provisions as well as certain recurring authorities and restrictions which would otherwise expire. In addition, the intelligence authorization bill is the principal means by which the House and Senate Intelligence Committees provide guidance to the Intelligence Community in the exercise of Congressional oversight. For these reasons, failure to enact an intelligence authorization bill would have significant adverse consequences for the Intelligence Community and for congressional oversight.

Mr. President, this amendment in effect represents an agreement with the House that will obviate the need for a conference. It is our expectation that the House will agree to accept this amendment. In this connection, I should point out there are certain stylistic and technical differences between the committee amendment and the bill that we normally consider in the Senate. These differences are necessary because we expect that the text of the bill which we pass today will be the text enacted into law. I want to assure interested Members that these differences are dictated by the exigencies of the moment, and that they are not in any way meant to alter existing understandings within the Senate concerning the jurisdiction of various committees over certain intelligence-related activities.

Mr. President, it is important to note that section 102 of the committee amendment refers to the classified amended schedule of authorizations prepared by the Select Committee on Intelligence of the Senate. The intelligence

authorization bill as enacted into law normally would refer to a classified schedule of authorizations prepared by the Committee of Conference. Because we do not anticipate going to conference on the bill this year, it is necessary to make reference to another document which contains the agreements on authorization which have been reached with the House. Thus, the classified amended schedule of authorizations prepared by the Senate Select Committee on Intelligence will have the same force and effect as that normally given to the classified schedule of authorizations which is usually prepared by the Committee of Conference. Mr. President, the agreement worked out with the House also are reflected in an amended classified supplement to the Intelligence Committee's Report on S. 2713. This document will, therefore, have the same force and effect as that normally given to the classified supplement to the conference report.

I emphasize, Mr. President, that with respect to the Nicaragua issue the committee amendment contains a provision consistent with the agreement that has just been reached in the context of the conference report on House Joint Resolution 648, the further continuing appropriations resolution.

Mr. President, I have prepared a detailed explanation of the provisions contained in the committee amendment, and I ask unanimous consent that it be printed in the Record at this point.

Mr. President, I also wish to point out that section 601 of the committee amendment represents a compromise between the Intelligence Committee and the Foreign Relations Committee on a legislative provision pertaining to the hostile intelligence presence in the United States. It is my understanding that this compromise is acceptable to the Foreign Relations Committee and the administration.

Mr. President, as I have already indicated, we do not expect to have a conference or a conference report on the intelligence authorization bill this year, and the explanation of the committee amendment that I have just submitted is intended to serve in lieu of a conference report in explaining the provisions in the Intelligence Authorization Act for Fiscal Year 1985. Additional legislative history can be found in the Senate and House Intelligence Committee Reports on the bill, that is, Senate Report 98-841 and House Report 98-743.

This legislation authorized appropriations for those programs and activities of the U.S. Government which serve the intelligence needs of our national policymakers. This includes the Central Intelligence Agency and the National Security Agency, as well as the national intelligence activities of the Departments of Defense, State, Treasury, and Energy, and the Federal Bureau of Investigation. The bill also authorizes appropriations for the Intelligence Community staff and the Central Intelligence Agency Retirement and Disability System, and it includes several legislative provisions to enhance the effectiveness of our intelligence agencies.

The Select Committee on Intelligence views the annual budget authorization process as one of the principal means of fulfilling its oversight responsibilities, because of the insight and leverage that this process provides in influencing the long-term scope and direction of U.S. intelligence efforts. This year, as in the past, the Committee conducted a comprehensive examination of the intelligence budget request, which included testimony from the Director and Deputy Director of Central Intelligence, key Defense Department officials, and each of the principal intelligence program managers. In addition, for the first time we formally heard testimony from the Nation's leading consumers of intelligence—people whose needs the Intelli-

gence Community exists to fill. We found this testimony instructive, and we intend to continue the dialog with intelligence consumers in the future.

The committee believes that strengthening and improving the U.S. intelligence system should remain among our highest national priorities. As we have emphasized in the past, investment in intelligence must grow to ensure that the Intelligence Community is able to meet the challenges that our Nation will face in the late 1980's and beyond. The committee recognizes that increased investment alone will not necessarily lead to the intelligence capabilities required in the years ahead. We must also be more innovative in crafting the Nation's intelligence activities. It is only through innovation, for example, that we will be able to cope with the serious challenges posed by adversaries who appear to possess a good understanding of current U.S. intelligence capabilities and who employ this knowledge in efforts to frustrate our collection activities. I am pleased to report that the measure we will bring before the Senate fosters such innovation in a number of critically important areas. I firmly believe that these steps place us on a path that will lead to development of the type of intelligence capabilities that will be vital for the maintenance of our national security.

Given the sensitivity of the matters dealt with in the intelligence authorization bill, I cannot discuss details in open session. These matters have, however, been set forth in the classified amended schedule of authorizations and thoroughly discussed in the amended classified supplement to the committee's report. These documents are available to Members under the provisions of Senate Resolution 400 of the 94th Congress.

Mr. President, I also wish to point out to the Senate and to the American public something that is often overlooked, but is critical to the public's understanding of U.S. intelligence. The nature of intelligence activities requires that success be secret. On the other hand, the nature of our society is such that controversy in intelligence activities will often lead to public debate based on speculation. I suppose President Eisenhower summed it up best when he said of intelligence:

Success cannot be advertised; failure cannot be explained. In the work of intelligence, heroes are undecorated and unsung, often even among their own fraternity. Their inspiration is rooted in patriotism—their reward can be little except the conviction that they are performing a unique and indispensable service for their country, and the knowledge that America needs and appreciates their efforts.

Mr. President, I, as one who serves on the Intelligence Committee, want to emphasize that there is much to be proud of in the Nation's intelligence effort. There are many "quiet successes." One of the things that has struck me in my service on the committee is the sacrifice we demand of the men and women in the intelligence profession who are responsible for these "quiet successes." They constitute the Nation's first line of defense, and their contributions are critically important to our national security. Yet, there can be no public acclaim or recognition of their accomplishments, dedication, professionalism, or bravery.

Mr. President, on the wall in the entrance foyer to the CIA headquarters building in Virginia, you will find a star for each of those CIA officers who have given their lives while in "quiet" service to their country. The names of some of these individuals are noted, but the names of others, given the nature of their work, cannot be revealed to the public. The number of those stars has, unfortunately, been increasing in recent years. Mr. President, I can think of no more poignant symbol of quiet service to the Nation than those stars associated with names that must remain secret.

So, Mr. President, I think we would all do well to reflect on this aspect of

the intelligence profession whenever we debate or consider a matter of controversy in U.S. intelligence. We as a nation owe a debt of gratitude to people in the Intelligence Community that we cannot name, for accomplishments that cannot be trumpeted. I salute the men and women of our Intelligence Community—those who have served, those who are presently serving, and those yet to come—and thank them for their unique sacrifice.

The PRESIDING OFFICER. The question is on agreeing to the substitute amendment.

The substitute amendment (No. 7103) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 1100, H.R. 5399.

The PRESIDING OFFICER. The bill will be stated by title.

The bill clerk read as follows:

A bill (H.R. 5399) to authorize appropriations for fiscal year 1985 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BAKER. Mr. President, I move to strike all after the enacting clause of this measure and to insert in lieu thereof the text of S. 2713, as amended, which has been advanced to third reading in the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

Mr. MOYNIHAN. Mr. President, this will be the last authorization that Senator GOLDWATER and I will have brought to the floor in behalf of the committee. I regret that he is necessarily absent.

I should like to record that this is the largest authorization bill in the history of the intelligence community and of our committees.

I think the public is entitled to know the sustained increase in the budgets of the intelligence community, which began in fiscal year 1979 and in the budgets proposed in 1978, has now about reached the limit of our expectations, and the out-year growth of these programs associated with technological developments is going to be limited.

We feel strongly that the intelligence oversight committee system is working and has worked. I spoke this morning of one failure in that system,

when the community did not consult with the committees before going forward with an operation in Central America which many thought to be beyond the limits of legality and of prudence.

In the aftermath of that event, we have developed new relations with respect to consultation. But I wish it understood that between the time I spoke this morning and this hour in the early afternoon, the U.S. Senate, by a vote of 78 to 11, has agreed to a continuing resolution which, in effect puts an end to the President's options in Central America—very much against his wishes, and he may be right in that regard.

However, it should be understood that when only 11 Members of the Senate would oppose such a measure—and of those 11, I do not think more than 5 would have done so on this basis—there has been a failure of functioning in the executive branch; and if the President or the Secretary of State or the National Security Advisor wishes to look to see what went wrong, they need to look to their own arrangements. What went wrong was that the relationship of trust between the community and Congress was not observed—the only such breach I am aware of in 8 years in this committee—and it has had consequences.

I do not speak to the question whether the policies in Nicaragua are right or wrong. I am just saying that the people who serve the President have served him very poorly if by their conduct they have made it impossible for him to pursue those policies as he hoped to do. This has happened now, and perhaps we can learn from it. If we do not, I suppose it will happen again.

Mr. President, before closing, while some Members are in the Chamber, let me observe that this measure, which is being passed on the unanimous-consent calendar, is one of the largest and most important pieces of legislation Congress will deal with this year. Matters of the utmost importance to the national security are involved here.

We come with a unanimous Senate. We have worked in a bipartisan mode to bring this matter here.

Mr. President, in quick summary, this measure is being adopted on the unanimous-consent calendar, and that reflects not only the importance of the measure, but also the bipartisan support for it. On its own, were it not for the nature of the subject matter, this could occasion a week's debate in the Senate. It involves issues of the very utmost importance to the national security and to the security of the world.

These have been resolved in an exemplary manner by our budget subcommittee headed by the distinguished Senator from Wyoming (Mr. WALLOP) and the equally distinguished

Senator from Hawaii (Mr. INOUE), who have served so diligently these last 4 years as the subcommittee's chairman and vice chairman respectively.

That we bring this to the Chamber in a unanimous manner, I think reflects not only on them, but on the singularly capable staff. And they will rarely hear their names at all in the chamber, so let me take a moment of the Senate's time to read them and record their merit.

Mr. Keith Hall, our budget officer, has handled a task of extraordinary complexity. Ten different organizations are involved in this, and the issues involved are the highest and most technical.

Mr. Robert Simmons, our staff director, has managed the operation throughout.

Mr. Gary Chase, our chief counsel, has been a fount of continued support and judgment in these matters.

Mr. Daniel Finn, an accomplished attorney, has been the designee of Senator INOUE on the budget committee, and Dr. Angelo Codevilla has been the designee of Senator WALLOP, who have worked in silent labor for 11 months on this enterprise.

Finally, Mr. Peter Sullivan, the minority staff director and counsel, has been a source of good cheer and good counsel throughout.

Mr. President, on behalf of the members of the committee, I wish to express our gratitude to them and all of their colleagues on the committee's dedicated professional and support staff.

As I said earlier, this will be my last opportunity to thank them as vice chairman. If Senator GOLDWATER were able to be present, he would do the same. I do so on his behalf.

So, Mr. President, to these duties, adieu.

Mr. BAKER. Mr. President, the bill is before the Senate, and I take it there are no further amendments.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 5399) was ordered to a third reading, was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MOYNIHAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that S. 2713, which was taken up initially, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.